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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,390	10/16/2003	Rolf van Haag	P24348	6679

7055 7590 04/19/2007  
GREENBLUM & BERNSTEIN, P.L.C.  
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RESTON, VA 20191

EXAMINER
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OMGBA, ESSAMA

ART UNIT	PAPER NUMBER
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3726

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/19/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/19/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

## Office Action Summary

**Application No.**

10/685,390

**Applicant(s)**

HAAG, ROLF VAN

**Examiner**

Essama Omgba

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-16, 18 and 21-38 is/are pending in the application.
- 4a) Of the above claim(s) 2, 16, 23-33 and 35-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-15, 18, 21, 22 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The indicated allowability of claim 21 is withdrawn in view of the newly discovered reference(s) to Chrighi (US Patent 5,595,117) and Gassen et al. (US Patent 6,312,340). Rejections based on the newly cited reference(s) follow.

#### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the limitation "at least one support composed of an elastomer material" in claim 21 lacks proper support in the specification. The specification does not disclose the support being composed of an elastomer material.

#### ***Claim Objections***

3. Claim 16 is objected to because of the following informalities: the proper statute identifier of claim 16 should be "withdrawn" and not "original". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 1, 3-9, 11-16, 18, 21, 22 and 34 are rejected under 35 U.S.C. 112; first paragraph, because the specification, while being enabling for "at least one support", does not reasonably provide enablement for the "at least one support" being composed of an elastomer material. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. There is no disclosure of the at least one support being composed of an elastomer material in the specification.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 11 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the natural frequency" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the absorber frequency" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3-7, 11-15, 18, 21, 22 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrigui (US Patent 5,595,117) in view of Gassen et al. (US Patent 6,312,340).

With regards to claims 1, 3, 4, 7, 11-15, 18, 21, 22 and 34, Chrigui teaches in figure 6 a roll comprising a roll jacket 9 structured and arranged to surround an interior space, an absorber arrangement 6 comprising one passive vibration absorber 7 located within the interior space, a spring arrangement combined with a damper arrangement 11 positioned between the vibration absorber and the roll jacket to support the vibration absorber in the roll jacket (col. 6, lines 8-13). Chrigui does not disclose at least one support composed of an elastomer material, wherein the vibration absorber is supported on the roll jacket via the at least one support. However it is known to surround the mass of the vibration absorber with a rubber skin as attested by Gassen et al., see column 4, lines 12-13. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided a support in the form of a rubber skin surrounding the vibration absorber of Chrigui, in light of the teachings of Gassen et al., in order to enhance the dampening effect of the vibration absorber. See also column 5, lines 54-62 of Chrigui disclosing the absorber enclosed in a vibration-absorbing compressible material. Applicant should note that the vibration absorber of Chrigui is positioned in an axial direction of the roll jacket as shown in figure 5, and is structured and arranged to be movable relative to the roll jacket (radially movable). The vibration absorber of Chrigui also has an adjustable absorber frequency (col. 3, lines 42-45) that lies below a natural frequency of the roll (col. 5, lines 1-10 and col. 6, lines 17-24). See

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also the embodiment of figure 3 of Chrighi showing a roll shaped vibration absorber.

With respect to the limitations “wherein the natural frequency is decisive of the formation of barring” and “wherein said vibration absorber has an absorber frequency that lies below a natural frequency of said roll”, Applicant should note that **a claim containing a “recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus” if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987), see MPEP § 2114.** Therefore since the roll of Chrighi/Gassen et al. teaches all the claimed structural limitations as shown above, it is considered to meet the functional language limitations in the claims.

With regards to claims 5 and 6, Applicant should note that the mass of the vibration absorber is an obvious matter of design choice that will depend on the particular size of the roll and the amount of vibration that needs to be dampened.

10. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrighi/Gassen et al. as applied to claim 7 above, and further in view of Kayser et al. (US Patent 6,464,834).

Chrighi/Gassen et al. disclose a roll as shown above with Chrighi suggesting that more than one vibration absorber may be used (col. 3, lines 24-25). Although Chrighi does not give specific examples of this, however Kayser et al. teaches the use of a plurality vibration absorber as shown in figure 1. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided

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the roll of Chrighui/Gassen et al with a plurality of absorbers distributed in axial locations, in light of the teachings of Kayser et al., in order to selectively dampen vibrations along the entire length of the roll.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1, 3-9, 11-16, 18, 21, 22 and 34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Essama Omgba  
Primary Examiner  
Art Unit 3726

eo  
April 13, 2007